

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cedora Ruiz) Group Art Unit: 3713
Appl. No. : 10/762,843)
Filed : January 21, 2004)
For : WRITING IMPLEMENT)
Examiner : David J. Walczak)

**DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131
BY INVENTOR CEDORA RUIZ**

I, Cedora Ruiz declare as follows:

1. I am a resident of the State of Wyoming, U.S.A. I make this Declaration on personal knowledge, and if called and sworn as a witness, I could and would competently testify as set forth below.
2. I am the inventor of the invention claimed in the above-referenced application.
3. I am aware that the U.S. Patent and Trademark Office has rejected claims of this application in view of U.S. Patent Application Publication No. 2004/0086318 for application Serial No. 10/283,438 filed October 30, 2002.
4. I invented the invention which is disclosed and claimed in the present application before October 30, 2002.
5. Many months before October 30, 2002, I had created a number of prototypes of the invention which is described and claimed in my application. On or about July 29, 2002, I sent several of these prototypes to my attorney, R. Scott Weide, for evaluation relative to seeking patent protection for my invention. Attached hereto as Exhibit A is a photograph of the package by which I forwarded the prototypes.

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6. On or about September 2, 2002, my attorney commissioned a patent search directed to the invention. On or about October 8, 2002, my attorney reported the results of the patent search and I elected to file a patent application to the invention.

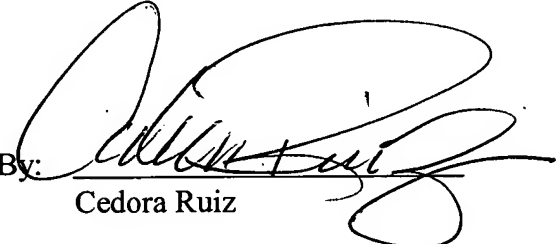
7. On or about October 23, 2002, my attorney prepared a set of sketches of figures illustrating my invention and forwarded those figures to a draftsman to be formalized and filed with the patent application. Attached as Exhibit B is a copy of this letter and attached sketches.

8. On or about December 6, 2002, my attorney forwarded to me the first draft of the patent application, which I then reviewed.

9. On January 21, 2002, after the patent application had been finalized and I had signed the formal papers, my attorney filed U.S. Application Serial No. 10/347,967. The present application comprises a continuation of this earlier-filed parent application.

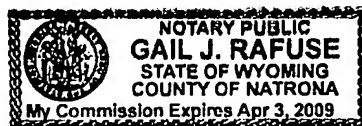
10. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 1 day of ^{July}~~June~~ 2005.

By: 
Cedora Ruiz

SUBSCRIBED and SWORN to before me
this 1st day of ^{July}~~June~~ 2005.


Notary Public



rsw-17333

EXHIBIT A

Cedora Ruiz

131 Dahlia

Casper Wy 82604

U.S. POSTAGE
PAID
CASPER, WY
82609
JUL 29, 02
AMOUNT



\$1.98
00032109-11

89101

9261

FIRST CLASS

Scott Weide

330 South 3rd Suite 1130

Las Vegas, NV 89101

FIRST CLASS

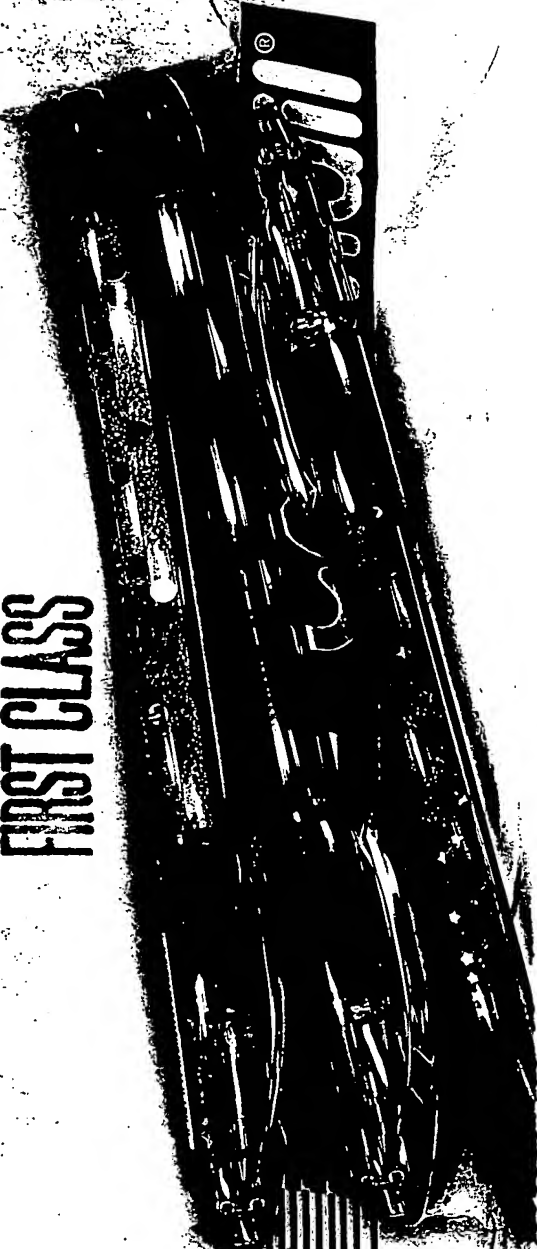


EXHIBIT B

WEIDE & MILLER, Ltd.



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330 South 3rd Street
Las Vegas, NV 89101
Telephone (702)-382-4804
Facsimile (702)-382-4805

E-mail: SWeide@WeideMiller.com

On the web: www.WeideMiller.com

R. SCOTT WEIDE
REGISTERED PATENT ATTORNEY
LICENSED IN CALIFORNIA & NEVADA

October 23, 2002

Mr. Vahid Hamidi
CAD Illustration Service
17 Cayman Brad
Aliso Viejo, CA 92656

Re: Application Figures
U.S. Utility and Design Patent Applications for Writing Utensil
Our Reference Nos.: RUIZ.0001P/RUIZ.0002P

Dear Vahid:

Please prepare a set of figures for the above-referenced applications. I have enclosed sketches of the figure sets along with a sample of the invention for your use in preparing the figures. For both applications I wish to focus on a "generic" writing implement having an internal hollow cavity having a plurality of bead elements occupying the cavity. Thus, please do not show the "cap" or any external marking on the device which is particular to the specific sample which I have enclosed.

Let me know if you have any questions.

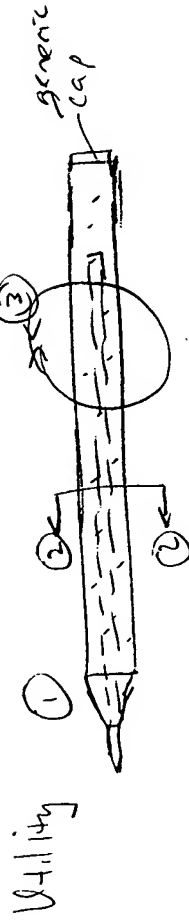
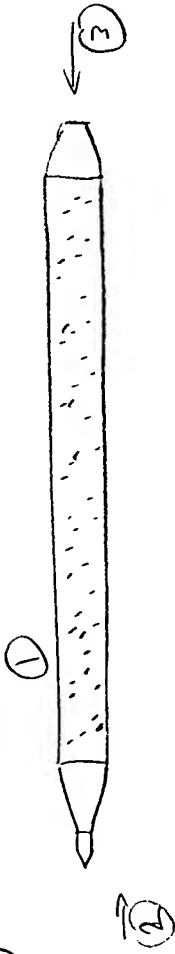
Very truly yours,

R. Scott Weide

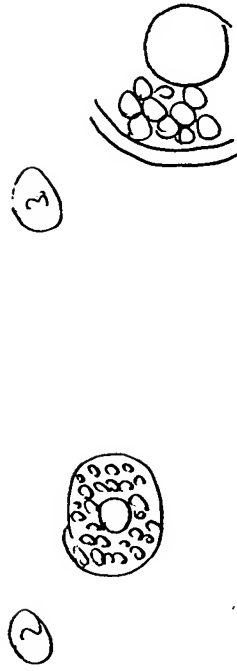
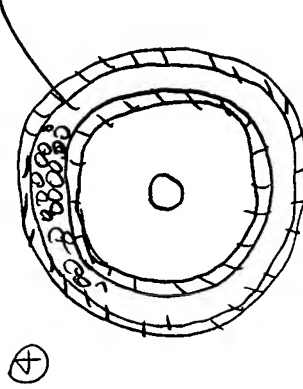
Enclosure



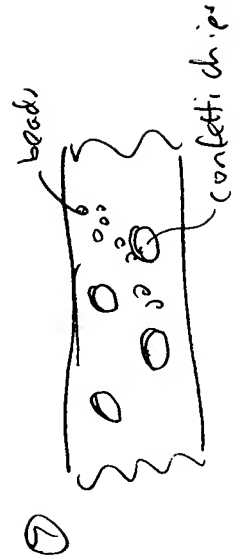
Design



Cross-sectional
view of another
embodiment where
beads located
in
separate compartment



other
items
besides
beads



another embodiment, in a one end, beads at other

